

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Whitney Beber	Team: Squad #6	CCRB Case #: 201808991	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 10/28/2018 12:31 AM	Location of Incident: Outside of 194 Ashford Street in Brooklyn	Precinct: 75	18 Mo. SOL 4/28/2020	EO SOL 12/13/2020	
Date/Time CV Reported Mon, 10/29/2018 7:24 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 10/29/2018 12:05 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM James Argila	15383	946752	075 PCT
2. POM Renaldo Weekes	21007	959362	075 PCT
3. SGT Adnan Radoncic	01316	930995	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM James Argila	Abuse: Police Officer James Argila stopped § 87(2)(b)	
B.SGT Adnan Radoncic	Abuse: Sergeant Adnan Radoncic stopped § 87(2)(b)	
C.POM Renaldo Weekes	Abuse: Police Officer Renaldo Weekes stopped § 87(2)(b)	
D.POM James Argila	Abuse: Police Officer James Argila searched § 87(2)(b)	
E.POM James Argila	Abuse: Police Officer James Argila frisked § 87(2)(b)	
F.POM James Argila	Abuse: Police Officer James Argila threatened to issue summons to § 87(2)(b)	
G.POM Renaldo Weekes	Abuse: Police Officer Renaldo Weekes refused to provide his shield number to § 87(2)(b)	
H.SGT Adnan Radoncic	Abuse: Sergeant Adnan Radoncic refused to provide his shield number to § 87(2)(b)	
I.SGT Adnan Radoncic	Abuse: Sergeant Adnan Radoncic failed to provide § 87(2)(b) with a business card.	
J.POM Renaldo Weekes	Abuse: Police Officer Renaldo Weekes failed to provide § 87(2)(b) with a business card.	

Case Summary

On October 29, 2018, § 87(2)(b) filed a complaint with Civilian Complaint Review Board (CCRB) via the Call Processing System. On October 29, 2018, the CCRB received the complaint.

On October 28, 2018, at approximately 12:30 a.m. § 87(2)(b) was walking to the Oracle Lounge located at 2937 Atlantic Avenue in Brooklyn when he noticed an unmarked vehicle following behind him. Police Officer James Argila, Police Officer Renaldo Weekes and Sergeant Adnan Radoncic of the 75th Precinct exited their vehicle and stopped § 87(2)(b) (**Allegations A, B, and C-Abuse of Authority, § 87(2)(g)**) and PO Argila put both his hands in the front pocket of § 87(2)(b)'s sweatshirt (**Allegation D, Abuse of Authority, § 87(2)(g)**). Police Officer Argila patted down the front pockets of § 87(2)(b)'s jeans (**Allegation E, Abuse of Authority, § 87(2)(g)**). Police Officer Argila told § 87(2)(b) that he should issue him a summons because he had mace (**Allegation F, Abuse of Authority, substantiated**). § 87(2)(b) asked all three officers for their shield numbers or their business cards. Police Officer Weekes did not provide his shield number or business card to § 87(2)(b) (**Allegation G and J, Abuse of Authority, § 87(2)(g)** and § 87(2)(g)). Sergeant Radoncic did not provide his shield number or business card to § 87(2)(b) (**Allegations H and I, Abuse of Authority, § 87(2)(g)**). § 87(2)(b) was not arrested or issued a summons.

No video footage was obtained for this incident.

Findings and Recommendations

Allegation A- Abuse of Authority: Police Officer James Argila stopped § 87(2)(b)

Allegation B- Abuse of Authority: Sergeant Adnan Radoncic stopped § 87(2)(b)

Allegation C-Abuse of Authority: Police Officer Renaldo Weekes stopped § 87(2)(b)

It is undisputed that on October 28, 2018, § 87(2)(b) was walking back and forth on Atlantic Avenue and turned onto Ashford Street.

§ 87(2)(b) testified that he heard the driver of an unmarked vehicle repeatedly tell him to "Come here." § 87(2)(b) looked at the officers as he continued walking. He continued to walk until PO Argila, Sgt. Argila and PO Weekes exited their vehicle, rushed towards him and stopped him. PO Weekes went behind him, grabbed his arms and put them up by the side of his head. Sgt. Radoncic stood to § 87(2)(b)'s right side. § 87(2)(b) wore a black hooded sweatshirt with his key chain and Halloween mask in his front sweatshirt pocket. On his keychain was a canister of pepper spray in a holster. A photograph of the pepper spray holster was taken. The holster is cylindrical, approximately half an inch in diameter and has approximately two-inch-long straight edges (BR06).

PO Argila stated that they followed § 87(2)(b) on Ashford Street to observe him (BR01). § 87(2)(b) looked at the officers over his shoulder. § 87(2)(b)'s body was bladed and PO Argila could not see what he was doing. PO Argila exited the vehicle to be safe. At that point, he had no particular suspicion of § 87(2)(b). PO Argila was not instructed to approach § 87(2)(b). PO Argila decided to stop § 87(2)(b) after observing him for approximately one

minute. As PO Argila approached § 87(2)(b) he removed his hands from his pocket, at which time, PO Argila noticed a heavy L-shaped object in the front pocket. At that point PO Argila suspected that § 87(2)(b) may have had a firearm in his pocket because of the heavy L-shape, the way § 87(2)(b) looked over his shoulder, nervousness, grabbed at the pocket, and because he returned his hands to his pocket after being told to take them out. PO Argila stated that he explained to § 87(2)(b) that he was stopped because he changed directions upon seeing the officers and when he turned around, he had a heavy L-shaped object in his pocket. PO Argila explained to § 87(2)(b) at the end of the incident that he was stopped because he had changed directions upon seeing the officers and when he turned around he had a heavy L-shaped object in his pocket.

Sgt. Radonic's statement was consistent with PO Argila with the following exceptions (BR 03). Sgt. Radonic also testified that § 87(2)(b) looked into a car. There had been a pattern of car break-ins throughout the sector.

PO Weekes's testimony was consistent with PO Argila's with the following exception (BR02). PO Weekes observed the L-shaped object on § 87(2)(b) prior to exiting the vehicle. PO Argila later informed PO Weekes that he stopped § 87(2)(b) because they saw him looking back at the officers and walk away from them.

When a police officer entertains a reasonable suspicion that a person has committed, is committing or is about to commit a felony or misdemeanor, the CPL authorizes a forcible stop and detention of that person. People v. De Bour, 40 N.Y. 2d 201 (1976) (BR 04).

PO Argila articulated that § 87(2)(b) was stopped because he looked over his shoulder, looked nervous and grabbed at his front sweatshirt pocket where PO Argila and PO Weekes observed the L-shaped object they believed was indicative of a firearm. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation D-Abuse of Authority: Police Officer James Argila searched § 87(2)(b)

Allegation E-Abuse of Authority: Police Officer James Argila frisked § 87(2)(b)

This allegation was discussed with an attorney.

It is undisputed that § 87(2)(b) had a pepper spray canister and keys in the front pocket of his hooded sweatshirt.

In addition to the black hooded sweatshirt, § 87(2)(b) wore jeans. In his back jeans pockets, he had a cell phone and his identification. § 87(2)(b) testified that PO Argila grabbed him and put both his hands in the front pocket of § 87(2)(b)'s sweatshirt. PO Argila frisked the

front jean pockets. § 87(2)(b) did not know if PO Argila searched his jean pockets. PO Argila pulled § 87(2)(b)'s hooded sweatshirt up slightly and grabbed his belt buckle and shook it.

PO Argila suspected § 87(2)(b) had a firearm because of the weighty L-shape, he later learned was caused by a cell phone and keys. PO Argila frisked § 87(2)(b)'s front pocket because he believed there to be a firearm. He felt a cell phone, keys and a canister of pepper spray. PO Argila asked § 87(2)(b) if what he felt was pepper spray. § 87(2)(b) affirmed it was. At that point, PO Argila reached into § 87(2)(b)'s pocket and removed the pepper spray. PO Argila informed § 87(2)(b) that he was not allowed to have the pepper spray. After finding the pepper spray, PO Argila continued to frisk § 87(2)(b)'s side jean pockets and legs. Due to § 87(2)(b) reaching into his pocket, being combative and argumentative, PO Argila stated that this was done for the officer's safety.

As per Allegations A through C, officers stopped § 87(2)(b) due to a bulge they observed in the front pocket of § 87(2)(b)'s hooded sweatshirt. PO Argila confirmed that he stopped § 87(2)(b) in part because he observed an L-shaped object indicative of a firearm in the front pocket of § 87(2)(b)'s sweatshirt.

Stop Report #§ 87(2)(b), entered by PO Argila, noted § 87(2)(b) had a heavy L-shaped object in his front hoodie pocket that he was holding (BR 07). Officers approached and instructed § 87(2)(b) to remove his hands from his pocket. § 87(2)(b) complied. An outline of a heavy L shaped object was still visible. § 87(2)(b) became argumentative and reached back for the pocket. The reasons cited for the frisk and the search were because the object observed appeared to have the outline of a weapon and was suspected of being such.

Police officers have the authority to frisk an individual if the officer reasonably suspects that he is in danger of physical injury of the person being armed People v. De Bour, 40 N.Y. 2d 201 (1976) (BR 04). When a police officer entertains a reasonable suspicion that a person has committed, is committing or is about to commit a felony or misdemeanor, the CPL authorizes a forcible stop and detention of that person. An officer observed the outline of a revolver at the defendant's side. The officer was warranted in reaching out and removing a revolver from the defendant's waistband People v. Prochilo, 41 N.Y. 2d 759 (1977) (BR15).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

PO Argila and § 87(2)(b) are consistent that PO Argila patted down the front pockets of § 87(2)(b)'s jeans. PO Argila testified that he frisked § 87(2)(b)'s jean pockets after he determined the source of weighty bulge that caused him to initially suspect § 87(2)(b) had a weapon. § 87(2)(g)

§ 87(2)(b) PO Argila further testified that he frisked the legs and pockets of § 87(2)(b)'s jeans for their safety because § 87(2)(b) was combative, argumentative and had been reaching into his pockets.

§ 87(2)(g)

Allegation F- Abuse of Authority: Police Officer James Argila threatened to issue a summons to § 87(2)(b)

§ 87(2)(b) testified that PO Argila told him that he should write him a ticket because he had Mace.

PO Weekes is consistent with PO Argila, that he told § 87(2)(b) the pepper spray was illegal. PO Argila stated that he was going to issue § 87(2)(b) a summons but the stop became a hassle and he decided to warn and admonish instead.

Photos were taken of the pepper spray. The container of the pepper spray is labeled, "Red Pepper Defense Spray" (BR06).

Self-defense sprays are not prohibited and it is not unlawful for a person older than eighteen to possess a pocket-sized spray device which contains and releases a chemical or organic substance intended to produce temporary physical discomfort or disability through being dispensed into the air (Penal Law 270.05) (BR09).

§ 87(2)(b) was a § 87(2)(b) old male at the time of this incident and in possession of a pocket-sized self-defense spray.

§ 87(2)(g)

Allegation G- Abuse of Authority: Police Officer Renaldo Weekes refused to provide his shield number to § 87(2)(b)

Allegation H-Abuse of Authority: Sergeant Adnan Radoncic refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) stated that he requested each officer's shield number.

PO Argila did not remember if § 87(2)(b) requested their information. PO Argila did not hear PO Weekes or Sgt. Radoncic provide their shield numbers. PO Argila gave his business card to § 87(2)(b) which contained his shield number.

PO Weekes stated that Sgt. Radoncic and PO Argila provided their information to § 87(2)(b) however he was not sure if they provided it verbally or with business cards. But he did not say whether § 87(2)(b) asked him.

Sgt. Radoncic testified that when PO Argila tried to explain the reason for the stop, § 87(2)(b) asked for their names and shield numbers. PO Argila gave § 87(2)(b) a business card. Sgt. Radoncic stated his name, shield number and rank multiples times. PO Argila and PO Weekes provided their names and shield numbers as well.

Officers are to clearly state their rank, name, shield number and command, or otherwise provide business cards, to anyone who requests them to do so Patrol Guide Section 203-09 (BR11).

Sgt. Radoncic is consistent with § 87(2)(b) that he requested the officers' shield numbers.

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation I-Abuse of Authority: Sergeant Adnan Radoncic failed to provide § 87(2)(b) with a business card.

Allegation J-Abuse of Authority: Police Officer Renaldo Weekes failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) stated that he requested each officers' their business card. Sgt. Radoncic told § 87(2)(b) that he would provide it at the end. Sgt. Radoncic identified himself as a sergeant, at which point § 87(2)(b) asked for his business card which he did not provide. § 87(2)(b) did not receive PO Weekes business card.

PO Argila provided a business card to § 87(2)(b) but was not sure if PO Weekes and Sgt. Radoncic provided their business cards.

PO Weekes stated that § 87(2)(b) asked either PO Argila and Sgt. Radoncic for a business card. PO Weekes was not sure if PO Argila and Sgt. Radoncic provided their business cards. PO Weekes did not provide a business card to § 87(2)(b) because he did not verbally interact with him.

Sgt. Radoncic testified that § 87(2)(b) asked the officers for their business cards and names. All three officers stated their names multiple times. He told § 87(2)(b) that he would provide his business card. He did not remember if PO Weekes provided his business card. As they were disengaging with § 87(2)(b) Sgt. Radoncic went to their vehicle to retrieve his business cards which he kept in a bag with the rest of his paperwork and memo book. When he approached his car, § 87(2)(b) turned around angrily, and said, "fuck it, I don't need it," and walked away.

Officers are to offer business cards during a level three encounter or when a frisk is performed
Patrol Guide Section 203-09 (BR 11).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to two CCRB complaints and has been named as a victim in 17 allegations (BR 12).
 - § 87(2)(b)
- PO Weekes has been a member of service for three years and has been a subject in five CCRB complaints and eight allegations, none of which were substantiated. § 87(2)(g)
- PO Argila has been a member of service for ten years and has been a subject in seven CCRB complaints and 19 allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Radonicic has been a member of service for 16 years and has been a subject in 18 CCRB complaints and 59 allegations, of which four were substantiated.:
 - Case number 201405057 involved substantiated allegations of a vehicle search and refusal to provide name/shield number against Sgt. Radonicic. The Board recommended Command Discipline B and the NYPD imposed Command Discipline B.
 - Case number 201608467 involved substantiated allegations of a frisk and stop against Sgt. Radonicic. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A for the substantiated frisk.
 - § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.

